



MINUTES
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
September 22, 2015
5:30 p.m. CST

1. Chairman Malley called the meeting to order at 5:35 p.m. CST.
2. Commissioner Hensley recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Smith.
4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Smith, Garrison, Hensley, Malley, and Bower. Absent: Commissioner Miller.

Also present: City Attorney Derek Cusick, Ron Jones Building Official and Minutes Clerk Jeannie Klein.

Others present: Sandra Gray, Edward Sutherland, Donny Polito, Al West, Joe Baker, Rick Moore, Connie Moore, Martha Bryan, Mark Boyd, Greg Fox, Mary Fox, Coen Perrott, Scott Thomas, Lora Koberta

5. **Approve Minutes.** - Commissioner Hensley moved, seconded by Commissioner Garrison, to approve the Minutes of July 28, 2015 as presented.

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED UNANIMOUSLY

6. **Confirmation of the Agenda**

Commissioner Garrison moved, seconded by Commissioner Bice, to reorder the agenda and move Case File Number 2015-00278 to follow Case Files 2015-00290 and 2015-00279.

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED UNANIMOUSLY

7. **New Business – 2015-00279**

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow the use of chain link fencing in a Public Facilities and Recreational zoning district. Case File Number 201500279.

PROPOSED TEXT CHANGE TO SUBSECTION H:

H. In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance.

In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.

Chairman Malley opened the floor for public comment. Darrell Kinchen, Diamondhead Property Owner's Association, spoke in support of the text amendment identifying the benefits of chain link as it relates to safety at sports fields and the proposed dog park.

Commissioner Garrison opposed the use of chain link fence stating the use thereof would not be aesthetically pleasing.

Building Official Jones introduced for the record, a letter of objection from Purcell Co., Inc. suggesting the proposed amendment would in effect facilitate the use of chain link throughout Diamondhead, excluding residential areas. Lora Kolberta, representing the President of Four Paws Community Group asked the commission to give favorable consideration to allowing chain link fencing in order to continue with the plans for the proposed dog park.

Commissioner Garrison moved to deny.

Motion died for lack of a second.

Commissioner Smith moved, second by Commissioner Bice, to approve the proposed text amendment to the Zoning Ordinance (Section 9.8 GENERAL REQUIREMENTS AND RESTRICTIONS; SUBSECTION H) to allow the use of chain link fencing in a Public Facilities and Recreational zoning district. Case File Number 201500279.

Ayes: Bice, Bower, Smith, Hensley and Malley. Nays: Garrison. Absent: Miller.

MOTION CARRIED

- **Case File Number 2015-00280**

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance (Article 8.4.1 E DESIGN STANDARDS FOR OFF-STREET PARKING-GENERAL REQUIREMENTS; Article 8.4.2 E.; PARKING SPACE GEOMETRY; Article 8.5.2 B CONSTRUCTION AND MAINTENANCE) to allow pervious paving systems. Case File Number 2015-00280.

Proposed Amendment: *Underlined text represents additions to existing ordinance.*

8.4 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

8.4.1 General Requirements

E. Surfacing of all parking facilities shall be concrete, asphaltic concrete, or asphalt and all parking facilities shall be properly graded for drainage and maintained in a good condition, free of weeds, dust, trash and debris, potholes or other surface failures. Pervious pavement or pervious pavement systems are allowed subject to the provisions of Article 8.4.1.J.

8.4.1. J Pervious pavement or pervious pavement systems. Pervious pavement or pervious pavement systems, capable of carrying a wheel load of four thousand (4,000) pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

1. All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. Documentation that verifies appropriate soils and site conditions shall be provided. For further guidance and technical assistance, please refer to the following source: Georgia Stormwater Management Manual: Volume 2 Technical Handbook.
2. All materials shall be maintained per industry and city standards. Damaged areas shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.
3. Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.
4. Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.
5. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.
6. Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a

pervious pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.

7. Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.
8. Parking areas shall have the parking spaces marked as required by this article except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

8.4.2 Parking Space Geometry.

- E. Pedestrian walks shall be located between every other (alternating) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both side served by it. If parking bays exceed three hundred (300) feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay. Required pedestrian walks shall have a four foot (4') clear width and such width shall be protected and maintained by curbs or wheel guards. All pedestrian walks shall be paved and maintained free of standing water. Pervious asphalt or pervious concrete may be used as an alternative to concrete, asphaltic concrete, or asphalt subject to the provisions of Article 8.4.1.J.

8.5.2 Construction and Maintenance

- B. They shall be graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris and be free from potholes or other signs of surface failure. Pervious pavement or pervious pavement systems are allowed subject to the provisions of Article 8.4.1.J.

Commissioner Malley called for public comment with regards to the case file.

Darrell Kinchen, DHPOA spoke in support of pervious pavement/systems for ground stabilization purposes.

Scott Thomas of Stetson Engineering and Coen Perott of MDEQ Tidal Basin spoke in favor of pervious pavement/systems explaining the benefits and positive influence on water quality.

Chairman Malley explained that he would like to know the average cost per square foot for such systems and would not want to promote the installation of limestone/rock parking areas at a minimal cost savings to property owner's. He suggested more research for information and cost comparison to traditional concrete be investigated.

Commissioner Hensley moved, seconded by Commissioner Smith, to table for further research and information the proposed text amendment to the Zoning Ordinance (Article 8.4.1 E DESIGN STANDARDS FOR OFF-STREET PARKING-GENERAL REQUIREMENTS; Article 8.4.2 E.; PARKING SPACE GEOMETRY; Article 8.5.2 B CONSTRUCTION AND MAINTENANCE) to allow pervious paving systems. Case File Number 2015-00280.

Ayes: Bice, Bower, Garrison, Smith, Hensley and Malley. Nays: None. Absent: Miller.

MOTION CARRIED UNANIMOUSLY

- **Case File Number 2015-00278**

Building Official Jones presented. The Diamondhead POA represented by Darrel Kinchen has filed an application requesting a Conditional Use Permit from the Zoning Ordinance (Article 2.5) to allow the use and operation of a dog park. Case File Number 201500278.

The property address is 98182 Golf Club Drive. The tax parcel number is 067G-2-25-010.000. The property is located east of and adjacent to Golf Club Drive and north of Ana Hulu Street. The property is zoned as PFR (Public Facilities & Recreation).

Chairman Malley opened the floor for public comment.

Joe Baker, neighbor to the proposed park site spoke in opposition to the park location. Sandra Gray expressed with park entrance located on a curve and its potential hazard.

Lora Kolberta representing Four Paws Community Group explained the proposed site as already being used for off-leash exercise. She further indicated that Mr. Kinchen had informed her the POA Board of Directors had approved the land use for the park.

Building Official Jones introduced for the record, a letter of objection from Purcell Co., Inc. citing the park as an unacceptable amenity to Purcell as it was originally agreed upon with DHPOA the subject site would become a soccer or baseball area.

Commissioner Garrison introduced questions regarding policing, upkeep, and management of the facility. Mark Boyd DHPOA General Manager spoke to lack of alternative sites and an agreement with volunteers for park operations. Ed Sutherland expressed his concerns with regard to non-defined responsibility such as no policing and operations by volunteer group.

Commissioner Hensley moved, seconded by Commissioner Bower to deny a Conditional Use Permit from the Zoning Ordinance (Article 2.5) to allow the use and operation of a dog park at 98182 Golf Club Drive. Case File Number 201500278.

Darrel Kinchen, DHPOA having requested permission to do so, read aloud a narrative from DHPOA outlining the conditional use request, proposed dimensions, volunteer agreement terms and general operation of the park.

A vote was then called on the motion to deny.

Ayes: Bice, Bower, Garrison, and Hensley. Nays: Malley and Smith. Absent: Miller.

MOTION CARRIED

- **Case File Number 2015-00290**

Mr. Gary Sheets has filed an application requesting to encroach within the required 20' separation distance between townhouse building clusters from the Zoning Ordinance (Article 4.7.5 E ii b). This variance would allow the construction of a golf cart shed within 10' 10" of the adjacent townhouse (278 Highpoint Drive).

The property address is 277 Highpoint. The tax parcel number is 067L-0-35-088.000. The property is located north of and adjacent to Highpoint Drive. The property is zoned as R-3 (High Density Single Family). The Case File Number is 201500290.

Building Official Jones introduced the case and asked the Commission to consider requiring a joint application to include the High Point Properties Association as land-owner of the common area.

Chairman Malley called for public comment.

Building Official Jones introduced for the record a letter received from Martha Bryan of Highpoint in opposition to allowing use of the common ground and who in addition shared concerns with the Highpoint POA practices.

Jones then introduced for the record a letter received on September 15 from Terry Latham President of Highpoint Townhome Property Owner's Association Board of Director supporting the application.

Thom Sislow, property owner, expressed his agreement of this particular variance and indicated future cases shall be considered case by case. Connie Moore spoke in opposition of the proposed variance. Ed Sutherland, a member of the Board of Directors and owner of 236 and 292 in Highpoint, spoke in favor of the variance asking the commission to consider the structure as it relates to the required 20' separation distance between townhouse building clusters. Donny Polito, part owner of the golf cart shed and Highpoint POA Board Member, assured the Commission that he as a board member abstained from any vote on the matter. Sandra Gray, Highpoint POA Treasurer, addressed the Commission with regards to matters identified by Chairman Malley to be internal issues of the Highpoint POA and not relevant to the variance before the Commission.

Commissioner Smith moved, seconded by Commissioner Bice, to approve, subject to Highpoint Townhouse Property Owner's submission as co-applicant, the variance application requesting to encroach within the required 20' separation distance between townhouse building clusters from the Zoning Ordinance (Article 4.7.5 E ii b). This variance would allow the construction of a

golf cart shed within 10' 10" of the adjacent townhouse (278 Highpoint Drive) at property address is 277 Highpoint, tax parcel number 067L-0-35-088.000.

Ayes: Bice, Bower, Malley, Smith, and Hensley. Nays: None. Absent: Miller. Abstain: Garrison

MOTION CARRIED

- REVIEW AND DISCUSSION OF REVISED BUILDING PERMIT FEES FOR RECOMMENDATION TO CITY COUNCIL

Commissioner Hensley moved, seconded by Commissioner Garrison, to table the matter of review and discussion of revised building permit for recommendation to the City Council.

Ayes: Bice, Bower, Garrison, Malley, Smith, and Hensley. Nays: None. Absent: Miller.

MOTION CARRIED UNANIMOUSLY

- DISCUSSION OF ACCESSORY STRUCTURES BY COMMISSIONERS ONLY

Commissioner Garrison moved, seconded by Commissioner Bice, to table the matter of discussion of accessory structure

Ayes: Bice, Bower, Garrison, Malley, Smith, and Hensley. Nays: None. Absent: Miller.

MOTION CARRIED UNANIMOUSLY


8. Unfinished Business - None

9. Open Public Comments to Non-Agenda items - None

10. Commissioners' Comments - None

11. Communication / Announcements - None

12. Adjourn - Commissioner Smith moved, seconded by Commissioner Hensley, to adjourn at approximately 6:50 p.m. CST. The motion carried unanimously.



David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS